

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

703 KAR 5:020, The formula for determining school accountability (Emergency and Ordinary Versions of the Regulation)

Applicable Statute or Regulation

KRS 158.6453, 703 KAR 5:020

Action Question:

Should the Kentucky Board of Education approve 703 KAR 5:020, The formula for determining school accountability (emergency and regular versions) in order to impact 2006 NCLB reporting?

History/Background:

Existing Policy. The Kentucky Board of Education (KBE) at its April meeting approved adopting the flexibility that the United States Department of Education (USDOE) offered that is commonly referred to as the "Wellstone Amendment." This is for use as we transition to accountability for reading and mathematics assessments in all grades 3-8 to comply with the NCLB.

In the spring of 2006, Kentucky administered the Augmented Norm Referenced Test (NRT) in grades where the Kentucky Core Content Test (KCCT) was not previously administered to meet the NCLB requirements of annual testing in reading and mathematics at grades 3-8. The Augmented NRT was a one-year solution for 2006, and beginning in spring 2007, Kentucky will assess reading and mathematics in grades 3-8 with a new KCCT in all required grades. The current accountability regulation includes averaging data from two or three years preceding the current year to make AYP determinations if the school or student subpopulations of sufficient size do not meet their goals for reading and mathematics using current year data for calculations. However, with implementation of the Augmented NRT in the spring of 2006, there will only be one year of data available in those grades. Without data from previous years for the augmented grades, Kentucky will invoke the flexibility offered by the Wellstone Amendment of being able to calculate AYP for the existing KCCT grades by averaging two years of data for all schools, districts and subpopulations of sufficient size. The regulation must be amended to reflect the two-year averaging procedure for the existing KCCT grades.

To ensure that this process is handled in a legally correct manner, it is necessary that the KBE approve amending the regulation and the filing of an emergency amendment prior to the release

of the scores publicly on August 3, so that the Wellstone Amendment provision is within KBE regulation at the time of the release of the scores that are impacted by the Wellstone Amendment application to the calculation of the scores.

Kentucky requested in a March 23, 2006, letter to the United States Department of Education (USDOE) to invoke the Wellstone flexibility and other elements that do not affect regulatory language and revise Kentucky's Consolidated State Application Accountability Workbook to reflect the elements. On June 21, 2006, the Kentucky Department of Education received an email from USDOE to proceed with making these changes to the workbook and file it with them. After revising the Workbook and an internal review process, it was filed with USDOE on July 13.

Assuming the KBE approves the filing of the emergency regulation, which is consistent with the KBE's action in April and consistent with the state plan that has been submitted to the USDOE for implementation of NCLB, the emergency regulation will then be filed with the Legislative Research Commission as soon as possible, and prior to the August 3 release of the scores. This is the approach requested by the LRC Education Assessment and Accountability Review Subcommittee (EAARS) last year regarding annual notices from USDOE as to changes and flexibility offered to states under NCLB. When the USDOE announces the changes, they are typically announced in late spring and are offered to apply to the current year state assessment scores. If Kentucky takes advantage of one of these flexibility options but were not to do it by emergency regulation, then the change would not appear in an ordinary amended regulation until six to eight months later. This would result in Kentucky always lagging one year behind the other states as to implementation of NCLB flexibility offered by USDOE. As a result, approval to file the amendment as an emergency regulation is needed.

Staff Recommendation and Rationale:

Staff recommends that the Kentucky Board of Education approve the amendments to 703 KAR 5:020 (emergency and ordinary versions) to affect 2006 NCLB reporting. The implementation of these changes will assure that Kentucky complies with the Consolidated State Application Accountability Workbook approved by USDOE.

Impact on Getting to Proficiency:

In order to reach proficiency, schools must make data-driven decisions using stable results, manage changes in curriculum and instruction, and implement consequences as a result of testing performance. The proposed changes will assure the stability of NCLB reporting for schools and districts.

Groups Consulted and Brief Summary of Responses:

Staff continues to obtain information from the National Technical Panel on Assessment and Accountability (NTAPAA) and the School Curriculum, Assessment and Accountability Council (SCAAC). The decision to invoke the Wellstone Amendment, along with other flexibility

options provided by USDOE, was approved by the Kentucky Board of Education at its April 2006 meeting.

The Local Superintendents Advisory Council will forward its input via a letter from that body prior to the August meeting.

Contact Person:

Pam Rogers, Associate Commissioner
Office of Assessment and Accountability
502-564-2256
Pamela.Rogers@education.ky.gov

Deputy Commissioner

Commissioner of Education

Date:

August 2006